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Co-Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re GILEAD SCIENCES SECURITIES
LITIGATION

Master File No. C-03-4999-SI

CLASS ACTION

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
AGREEMENT-IN-PRINCIPLE TO
SETTLE AND RELATED
SCHEDULING DEADLINES**

This Document Relates To:

ALL ACTIONS

1 WHEREAS by Joint Stipulation dated January 21, 2010 and So Ordered by this Court
2 [D.E. 255], the parties informed the Court that they had scheduled a mediation of this action
3 before Judge Layn R. Phillips; and

4 WHEREAS, at the request of the parties and in light of the upcoming mediation, the
5 Court entered certain deadlines regarding discovery and class certification proceedings which
6 were to be met “in the event the case does not settle” [D.E. 255]; and

7 WHEREAS, the parties are now pleased to report to the Court that they have reached an
8 agreement-in-principle to settle this action; and

9 WHEREAS the parties are now proceeding with the drafting of a class action settlement
10 stipulation and related documents, including the Notice to the Class, all of which will require
11 Court approval; and

12 NOW, THEREFORE, the parties hereby stipulate and agree, as follows:

13 1. In accordance with the prior Stipulation and Order [D.E. 255], all prior
14 deadlines in the action with respect to Class Certification and discovery are hereby stayed; and

15 2. The parties shall proceed to negotiate a class action settlement stipulation and
16 related documents, including the required Notice to the Class pursuant to Fed. R. Civ. P. 23.
17 Upon completion of those documents, plaintiffs will move the Court for preliminary approval
18 of the settlement, Notice to the Class and for hearing on final settlement approval (the
19 “Preliminary Approval Motion”).

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1 3. If the Preliminary Approval Motion has not been filed within 30 days of the date
2 of this Order, the parties shall file a report with the Court regarding the status of the parties'
3 progress towards completion of the class action settlement stipulation and the Preliminary
4 Approval Motion.

IT IS SO STIPULATED.

DATED: March 11, 2010

KAPLAN FOX & KILSHEIMER LLP

/s/ Linda M. Fong
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Liaison Counsel for Plaintiffs

DATED: March 11, 2010

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1 DATED: March 11, 2010

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11 ***Co-Lead Counsel for Plaintiffs***

13 DATED: March 11, 2010

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24 ***Counsel for Defendants***

25 * * *

ORDER

The above stipulation having been considered and good cause appearing therefore,

IT IS SO ORDERED.

DATED: _____

The Honorable Susan Illston
UNITED STATES DISTRICT JUDGE

1 **FILER'S ATTESTATION**
2

3 Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests
4 that all parties have concurred in the filing of this JOINT STIPULATION AND [PROPOSED]
5 ORDER REGARDING AGREEMENT-IN-PRINCIPLE TO SETTLE AND RELATED
6 SCHEDULING DEADLINES.
7

8 DATED: March 11, 2010

9 KAPLAN FOX & KILSHEIMER LLP
10

11 /s/ Linda M. Fong
12 LINDA M. FONG
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DECLARATION OF SERVICE

I, Kelly Dunn, declare that I am over the age of eighteen (18) and not a party to the within action. I am employed in the law firm of Kaplan Fox & Kilsheimer LLP, 350 Sansome Street, Suite 400, San Francisco, California 94111.

On March 11, 2010, I used the Northern District of California's Electronic Case Filing (ECF) System, with the ECF identification registered to Linda M. Fong to file the following document(s):

JOINT STIPULATION AND [PROPOSED] ORDER REGARDING AGREEMENT-IN-PRINCIPLE TO SETTLE AND RELATED SCHEDULING DEADLINES

The ECF system is designed to send an e-mail message to all parties in the case, which constitutes service. On this date, I served the below parties by e-mail notices for this case:

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- 12 • **Joshua H. Vinik**
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20 The following is the list of attorneys who are **not** on the ECF list to receive e-mail
21 notices for this case, and received manual noticing:

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26 James M. Orman
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Philadelphia, PA 19103

1 _____ (BY FACSIMILE) I sent such document from facsimile machine on the above date. I
2 certify that said transmission was completed and that all pages were received and that a
3 report was generated by the facsimile machine which confirms said transmission and
4 receipt.

5 XX (U.S. MAIL) I placed the sealed envelope(s) for collection and mailing by following
6 ordinary business practices of Kaplan Fox Kilsheimer LLP. I am readily familiar with
7 Kaplan Fox Kilsheimer LLP's practice for collecting and processing of correspondence
8 for mailing with the United States Postal Service, said practice being that, in the
9 ordinary course of business, correspondence with postage fully prepaid is deposited
10 with the United States Postal Service the same day as it is placed for collection.

11 _____ (PERSONAL SERVICE) I caused personal delivery of the document(s) listed above the
12 person(s) at the address(es) set forth below.

13 _____ (BY OVERNIGHT DELIVERY) I placed the sealed envelope(s) or package(s)
14 designated by the express service carrier for collection and overnight delivery by
15 following the ordinary business practices of Kaplan Fox Kilsheimer LLP. I am readily
16 familiar with Kaplan Fox Kilsheimer LLP's practice for collecting and processing of
17 correspondence for overnight delivery, said practice being that, in the ordinary course of
18 business, correspondence for overnight delivery is deposited with delivery fees paid or
19 provided for at the carrier's express service offices for next-day delivery the same day
20 as the correspondence is placed for collection.

21 I declare under penalty of perjury under the laws of the United States of America and
22 the State of California that the foregoing is true and correct.

23 Executed March 11, 2010, at San Francisco, California.

24 _____
25 */s/ Kelly E. Dunn*
26 Kelly E. Dunn
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